

On February 20, 2018, Petitioner filed in this Court and in the District Court of Maryland motions to stay proceedings and to hold the petitions in abeyance, pending a decision from the District Court of Maryland about whether the petition will be heard in

that Court, and pending resolution of Petitioner's motion for reconsideration in the Maryland Court of Special Appeals (Dkt. 10 at 3). On March 1, 2018, Petitioner filed a notice in this Court, advising that the District Court of Maryland had granted a stay for the habeas petition pending in that Court (Dkt. 11). Petitioner subsequently filed a notice advising that the Maryland Court of Special Appeals denied his motion for reconsideration (Dkt. 12).

A § 2254 petition challenges the validity of a conviction and sentence and should be filed in the district where the petitioner was convicted and sentenced. *Montez v. McKinna*, 208 F.3d 862, 865 (10th Cir. 2000). Because this action was improperly filed in the Eastern District of Oklahoma, this Court finds the matter should be addressed in the District Court of Maryland.

ACCORDINGLY, Petitioner's motion to stay petition (Dkt. 10) is **denied**, and his petition for a writ of habeas corpus (Dkt. 2) is hereby **transferred** in the interest of justice to the United States District Court for the District of Maryland for all further proceedings. *See* 28 U.S.C. § 1631,

IT IS SO ORDERED this 5th day of September 2018.


James H. Payne
United States District Judge
Eastern District of Oklahoma